

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

ISAAC WILLIAM STEADMAN §
v. § CIVIL ACTION NO. 9:09cv94
DIRECTOR, TDCJ-CID §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Petitioner Isaac Steadman, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of disciplinary action taken against him during his confinement in the prison. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Steadman asserted that he was convicted of the disciplinary offense of possession of tobacco, for which he received a reduction in classification status, reduction in classification status, the loss of 500 days of good time, and what he described as “various restrictions.” He acknowledged that he was not eligible for release on mandatory supervision.

In his petition, Steadman asserted that the punishment was excessive and that the tobacco was found in his cellmate’s bunk and his cellmate admitted ownership but did not receive a disciplinary case while he, Steadman, did. He maintained that he had presented prison officials with “clear-cut evidence of his innocence,” but that the prison administration denies any wrongdoing in the finding of guilt.

After review of the pleadings, the Magistrate Judge issued a Report on July 15, 2009, recommending that the petition be dismissed. The Magistrate Judge, relying on Sandin v. Conner, 115 U.S. 2293, 2301 (1995) concluded that Steadman had failed to show the deprivation of a

constitutionally protected liberty interest through the punishments which were imposed upon him. Consequently, the Magistrate Judge reasoned, Steadman had not shown any basis for a procedural due process claim, and so his request for habeas corpus relief could be dismissed. The Magistrate Judge further recommended that a certificate of appealability be denied *sua sponte*.

Steadman received a copy of the Magistrate Judge's Report on July 17, 2009, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice. It is further

ORDERED that the Petitioner Isaac Steadman is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So **ORDERED** and **SIGNED** this **27** day of **August, 2009**.



Ron Clark, United States District Judge